

KANAB CITY PLANNING COMMISSION MEETING

DECEMBER 3, 2013

KANE COUNTY COMMISSION CHAMBERS

PRESENT: Chairman Byard Kershaw, Teresa Trujillo, Terrill Honey, Arlon Chamberlain, Joan Thacher, David Borup, Kent Burggraaf, Staff Member Levi Roberts of Five County, Business / Land Use Coordinator Gary McBride and secretary Jayme Jorgensen

Byard Kershaw opened the meeting at 6:34 p.m.

APPROVAL OF MINUTES: A motion was made by Teresa Trujillo and 2nd by David Borup to approve The Minutes of the November 19, 2013 meeting as corrected. Motion passed unanimously.

PUBLIC COMMENT: No comments received

MOTION TO GO INTO A PUBLIC HEARING was made by Joan Thacher and 2nd by Teresa Trujillo. Gregory Castle owner of Parcel K-25-7 requested a Minor Subdivision for the parcel, located at 182 North 200 East, from one to three lots. Public comments from Don Sprecher, representing the Neldon Family Trust, Heidi Robinson and Teresa Sprecher, who own property on 200 North. Mr. Sprecher asked what the property was zoned. Levi said it was zoned R1-8, single family 8000 sq. ft. lots. Tom Avant represented Mr. Castle said this would be single family 9000 sq. ft. lots and would meet the Land Use standards. Don is concerned about the water easement of the Eastern lot and the irrigation line west of the eastern boundry. Tom Avant said there is a prescriptive easement and the prescriptive easement would remain with the new lots. Gary McBride read a letter written by Reid Sherratt, he said he was concerned about the water irrigation system and wants the homes to be stick built and no trailers, mobile homes or apartments. Kent Burggraaf said the easement would not show up on a subdivision plot map, it is not a recorded easement it is a prescriptive easement. Don Sprecher said he has no objection to the subdivision as long as the irrigation is addressed. Motion to go out of a public hearing was made by Kent Burggraaf and 2nd by Terrill Honey. Motion passed unanimously.

Don Sprecher said the street where they live is considered a city street even though it has never been maintained. Tom Avant said it has been there since 1870. Terrill Honey said that it is a mix of R1-8 and R1-10 and a developer could come in and request either and not be denied. Tom Avant said the structures on the property will be removed before lots are sold. Staff recommendation was to recommend approval with the condition of removal of structures. The basis of that is because the lots need to be buildable. Arlon Chamberlain made a motion to recommend to the City Council to approve the Minor subdivision located at 182 North 200 East into 3 lots subject to the removal of the sheds and the findings that the prescriptive easement be noted. Teresa Trujillo 2nd the motion. Motion passed unanimously.

MOTION TO GO INTO A PUBLIC HEARING was made by Terrill Honey and 2nd by Teresa Trujillo to discuss changes to the C1 Zone and possible creation of a neighborhood Commercial Zone. Levi Roberts outlines the changes to the C1 Zone.

1. Amending the C1 Zone regulations so it's more a Downtown Zone, than a Neighborhood Commercial Zone.
2. Then creating a reserved neighborhood Commercial Zone for small scale retail development in residential areas.
3. Moving some of the elements in chapter 20 to other chapters.
4. Revision of the gross floor limitation for retail establishments. Current limitation is (40,000 sq. ft.) for one building or a combination of buildings.

Terrill Honey said it would be a good idea to illuminate all square footages except neighborhoods. Levi said the parking in the NC Zone and the C1 Zone, if feasible, to have parking in the back or on the side of new buildings. Terrill Honey was concerned about the set-backs. When a residential set back is 30 ft. and then not requiring a set-back for a business, home owners might be upset. Robert Houston asked if there is a definition of neighborhood. If not it needs to be defined. Kent Burggraaf said it is intended to be of service for the neighbors. Levi stated that it should be low impact on the neighborhood. Bill Cole said you should not leave loop holes because it could be a problem for Law Suits. Robert Houston said to try to make it simple. A motion to go out of a public hearing by Teresa Trujillo and 2nd by Arlon Chamberlain, motion passed unanimously.

Kent Burggraaf contemplate to make recommendations as outlined by Staff with the findings and changes: strike from the Land Use chart the NC Zone, and strike any sections or paragraph relating to the NC Zone, so it may be revisited. So strike all references to square footage including the Downtown zone and to accept all the recommendations of Staff. Joan Thacher was concerned that the Public has not had enough notice or input on the 40,000 sq. footage restriction. Terrill Honey said that there would be businesses that would want to have input, and if we are going to make a recommendation to City Council, then the Planning Commission needs to know what the public thinks. This item was not given information on the Web Site for the public to know what was being discussed. Terrill Honey said a recommendation at a minimum, posted in the notices that we mention the Staff recommendations. There was a lengthy discussion about the best ways to inform the public. Kent Burggraaf made a motion to recommend to the City Council to amend the Land Use Ordinance with the changes proposed by staff with the following exceptions; strike all the sections relating to the Neighborhood Commercial Zone, strike the column in the Land Use Chart relating to the Neighborhood Commercial Zone. The amendments to the downtown area, which is the C1 Zone, that we strike the square footage restriction. To include in the recommendations, the applicable findings that Staff has outlined and to move the restricted hazardous vehicles section to the appropriate chapter. Move the definitions to chapter 1. Joan made a friendly amendment to change the square footage from 40,000 to 50,000 square feet. The friendly amendment was not acceptable to Kent Burggraaf. The 2nd motion was by Teresa Trujillo. A posed by Terrill Honey and Joan Thacher voting Nay.

A MOTION WAS MADE TO GO INTO A PUBLIC HEARING: was made by Teresa Trujillo and 2nd by Arlon Chamberlain about consideration to move definitions of sensitive lands items from chapter 11 to chapter 1 of the Land Use Ordinance. No public comment was made. Motion to go out a public hearing was made by Kent Burggraaf and 2nd by Arlon Chamberlain. Motion was passed unanimously. A motion

was made by Arlon Chamberlain to move definitions of sensitive lands from chapter 11 to chapter 1, and to keep all the definitions in one area, motion 2nd by Teresa Trujillo. Motion passed unanimously.

COMMISSION REPORT: No report.

COMMENT: Terrill Honey added to the findings on the agenda that he voted Nay, he believes this is a significant issue, that adequate process was given to businesses, and he can't vote for it for that reason. Kent Burggraff recommended to City Council specifically for a public hearing. A motion to ajourn, by Arlon Chamberlain and 2nd by Terrill Honey. Motion passed unanimously.

CHAIRMAN

DATE